IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1867 of 2001
With
CIVIL APPLICATION No.1016 OF 2003

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI
and
Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VINODBHAI VALJIBHAI CHAUHAN
Versus
BHARTIBEN AMBALAL GOHIL

Appearance:
1. First Appeal No. 1867 of 2001
MR GM JOSHI for appellant No. 1
MR AY KOGJE for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI
and
MR.JUSTICE K.M.MEHTA

Date of decision: 05/03/2003

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE D.K.TRIVEDI)

1. The counsel appearing in the matter had tendered a consent term arrived at between the parties, signed by them with their lawyer dated 5.3.2003 and a request was made that in view of the settlement arrived at between the parties, the Appeal be disposed of in terms of the consent terms dated 5.3.2003. Appellant Vinodbhai Valjibhai Chauhan - original plaintiff - husband of respondent Bhartiben Ambalal Gohil as well as respondent Bhartiben Ambalal Gohil, both are present before us. They in term confirmed that due to intervention of the family members, dispute is resolved, which has been recorded in the consent terms, which is presented before us, signed by them as well as by their advocates and requested that the Appeal be disposed of in the above terms. The respective advocates appearing for the parties also identified the appellant and respondent, who are present before us.

2. The present Appeal is filed by the appellant original plaintiff challenging the judgment and decree passed by the Family Court No.2, Ahmedabad dated 22.3.2001 in Family Suit No.263 of 2000, wherein the Suit for divorce filed by the appellant - husband under Section 13(1)(a) of the Hindu Marriage Act was dismissed. During the pendency of the Appeal, as observed earlier, a settlement has taken place, which is recorded in the consent terms. The consent terms is taken on record and marked for identification as "X". In view of the request made by the parties as well as their advocate, the Appeal is disposed of in terms of the consent terms presented before us i.e. on 5.3.2003 and as the appellant- husband and respondent - wife are residing separately since 1990, they requested that the decree for divorce be passed. Accordingly Appeal is disposed of in terms of the consent terms arrived at between the parties. Accordingly suit for divorce is decreed. Decree to be drawn accordingly.

2.A A mention is made by Mr.Joshi that the appellant will file undertaking as incorporated in the consent terms on or before 10.3.2003, a copy of which will be furnished to Mr.Kogje, who appears for the respondent wife.

3. In view of the order passed in the main Appeal, Mr. Kogje is not pressing the Application being Civil Application No.1016 of 2003. While disposing of the main Appeal, as per the consent terms, even an arrangement is made for minor daughter Hetal, which is incorporated in

paragraphs 4 and 5 of the consent terms and the parties to abide by the agreed consent terms. The Civil Application No.1016 of 2003 is accordingly disposed of as not pressed.

(D.K.Trivedi,J)

(K.M.Mehta,J)

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